



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200600311

Date: December 18, 2007

Comments Due: January 18, 2008

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the West Delta Shores residential development project, which would result in impacts to approximately 0.229 acres of waters of the United States, including wetlands, near the Sacramento River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** SunCal Delta Shores, LLC  
1430 Blue Oaks Blvd., Suite #200  
Roseville, California 95747  
916-218-1200

**LOCATION:** The 120-acre project site is located in Sections 11, 12, 13, and 14 Township 7 North, and Range 4 East (MDBM) of the "Clarksburg, CA" and "Florin, CA" USGS Topographic Quadrangles. The project site is located south of Interstate 5/Meadowview Road interchange, east of the Sacramento River, and north of Morrison Creek and the Bartley Cavanaugh Golf Course.

**PROJECT DESCRIPTION:** The applicant is proposing to develop 120 acres located near Freeport. The applicant is proposing to construct 240 units of low-density residential and 241 units of medium-density residential. The applicant is also proposing to include 8.6 acres of neighborhood parks adjacent to Freeport Boulevard and a detention basin that has been designed to accommodate the water quality and stormwater management needs for the site. Part of the applicant's project site overlaps with the proposed Interstate 5/Cosumnes River Boulevard Interchange project. Based on the available information, the overall project purpose is to construct a medium-sized residential development in the Sacramento County Urban Services Boundary (USB). The applicant believes there is a need for housing in the Sacramento area. The attached drawings provide additional project details.

## ADDITIONAL INFORMATION:

**Environmental Setting.** There are 0.406 acres of waters of the United States (drainage ditches) within the West Delta Shores project area.

Surrounding land uses include the Bartley Cavanaugh Golf Course to the south, Interstate 5 to the east, commercial/office and the Sacramento River to the west, and rural residences to the north.

The site is currently leveled agricultural land that is situated at an elevation of approximately 10 feet above mean sea level. The fields in the northern portion of the site have included wheat and safflower that has been disked prior to the field survey, and the field in the southern portion of the site is planted with alfalfa. Trees are largely absent from the site, except scattered individuals along the western boundary and lining the edge of the golf course on the southern boundary.

**Alternatives.** The applicant has provided information on four off-site project alternatives, including sites ranging from 67 acres to 414 acres in the Sacramento County USB, three on-site project alternatives, and a no-project alternative. Aerial photos of the off-site alternatives were provided to estimate the aquatic resources on the sites. A description and aerial photos of the alternatives provided are attached to this public notice.

Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to purchase 0.229 acres of seasonal wetland credits at an agency-approved off-site mitigation bank or other agency-approved mitigation source. In addition the applicant proposed to incorporate post-construction Best Management Practices (BMPs), including both Low Impact Development (LID) and conventional treatment measures, into the design of all parcels.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board is required for this project. The applicant has indicated they will apply for certification. The applicant has also indicated that a 1602 Streambed Alteration Agreement Application will be submitted to the California Department of Fish and Game. The proposed project is subject to the California Environmental Quality Act (CEQA). The CEQA lead agency is the City of Sacramento. The City of Sacramento is currently preparing a draft Environmental Impact Report (EIR) for the larger Delta Shores area which includes land east of Interstate 5.

**HISTORIC PROPERTIES:** Based on the available information (including applicant's report entitled "Cultural Resources Survey and Evaluation, West Delta Shores", dated June 2006), potentially eligible cultural resources, including a historic trash scatter, may be affected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened species, or their critical habitat. Species that may be affected include giant garter snake (*Thamnophis gigas*) and valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) since the host plant, the blue elderberry (*Sambucus mexicanus*) is present. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200600311 must be submitted to the office listed below on or before January 18, 2008

Andrea Jones, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814 2922  
Email: [andrea.j.jones@usace.army.mil](mailto:andrea.j.jones@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Andrea Jones, 1325 J Street, Room 1480, Sacramento, California 95814, phone 916-557-7745, email [andrea.j.jones@usace.army.mil](mailto:andrea.j.jones@usace.army.mil).

**Attachments:**

1. Vicinity map
2. Site land use plan
3. Impacts to waters of the U.S. map
4. Representative photos of aquatic resources on the site
5. Alternatives information